III. REMARKS

1. Claims 1 and 17 are amended. Claim 18 is new.

2. Claims 1, 4-6, 8, 13 and 16 are not anticipated by Chang under 35 U.S.C. §103(a).

Claim 1 recites that a first message, which is sent from the terminal to the network, comprises specific bit pattern indicating that a radio resource is requested for a realtime service. In this way it is further emphasised that the invention relates to a new format for a message with which a radio resource is requested, the new format concerning specifically radio resource requests for realtime services. This is not disclosed or suggested by Chang.

The Examiner states that data transfer, page response and measurement report disclosed in Chang are interpreted to be realtime service. There is nothing in Chang to support this argument. While at least data transfer may be in some cases related to a realtime service, it may equally be related to a non-realtime service. If data transfer, page response, measurement report etc. in the packet channel request of Chang were meant to be interpreted as realtime services that would have been mentioned in Chang, because the problem that Chang is solving specifically relates to realtime services. However, when discussing the packet channel request, Chang is silent about realtime services.

Furthermore, there is nothing in Chang that can be interpreted to be "specific bit pattern indicating that a radio resource is requested for a realtime service." For this reason, by using the packet channel request disclosed in Chang, the network has no means to know whether resources are requested for a realtime or non-realtime service. This being the case, the network is

practically incapable of allocating a radio resource that is well-suited for realtime services, when a request for resources relates to realtime services. To be able to do that, the network in Chang would have to allocate radio resources well-suited for realtime services as a response to any kind of radio resource request. It is clear that this is not a reasonable solution since this would obviously lead to waste of resources.

On the other hand, as recited in Applicant's claim 1 the network knows, on the basis of the specific bit pattern, that resource is requested for a realtime service and not for a non-realtime service, and thereby can allocate a radio resource that is well-suited for realtime services, when resources for realtime services are requested, without having to always allocate radio resources that are well-suited for realtime services.

Thus, claim 1 is not anticipated by Chang. Claims 4-6, 8, 13 and 16 should be allowable at least by reason of their respective dependencies.

3. Claim 2 is not unpatentable over Chang in view of Spartz et al. ("Spartz) (U.S. 5,878,036). Claim 2 should be allowable at least in view of its dependency.

4. Claims 3, 9-12, 14 and 17 are not unpatentable over Chang in view of Widegren under 35 U.S.C. §103(a).

Claims 3, 9-12 and 14 should be allowable at least by reason of their respective dependencies.

Claim 17 recites features similar to those recited in Claim 1, and should also be allowable for the reasons stated above.

4. Claim 15 is not unpatentable over Chang in view of Erjanne (U.S. 6,490,271) under 35 U.S.C. §103(a).

As previously noted by Applicant, pursuant to 35. U.S.C. §103(c), Erjanne is not prior art against Applicant's invention for purposes of 35 U.S.C. §103(a). Although the Examiner states that Applicant has admitted that Erjanne is prior art, Applicant has not made any such admission. Furthermore, the Examiner has neither provided nor cited an legal basis or reasoning to support his assertion. The U.S. Patent Law specifically enumerates that a reference such as Erjanne does not qualify as prior art for purposes of 35 U.S.C. §103(a) against Applicant's invention. There is no provision in the U.S. Patent law that contradicts or provides an exception to this rule.

Applicant's attorney contacted the Examiner by telephone to discuss this issue.

Thus, Applicant reasserts that pursuant to 35 U.S.C. §103(c), Erjanne does not qualify and is not prior art for purposes of 35 U.S.C. §103(a). Thus, claim 15, and claim 16 by reason of its dependency, are allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $1,810.00 is enclosed for a three-month extension of time and the RCE fee. The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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